



1761

IN THE UNITED STATES PATENT OFFICE

VIA COURIER

15 April 2004

P.O. Box 578
700, 22 Frederick Street
Kitchener, Ontario
N2G 4A2
(519) 579-3661

APPLICANT : WITZEL, Theodore A.
SERIAL NO. : 10/054,893
FILED : 01/25/2002
TITLE : Flavor Wave Plate for Barbecues and Combination
Of Flavor Wave Plate and Barbecue
EXAMINER : Alexander, Reginald L., Group Art Unit 1761
OUR FILE : 39452

To : Mail Stop Petition
Honourable Commissioner for Patents
Washington, D.C.
20231

Dear Sirs:

Enclosed herein please find the following documents:

1. Petition Under Rule 1.181 dated December 19, 2003 and Exhibits A, B, C and D to the Petition;
2. Letter to Milton Cano, Supervisory Examiner dated December 22, 2003;
3. Fax cover dated December 19, 2003;
4. Two fax cover sheets dated January 14, 2004 with our corresponding fax transmission reports indicating the transmissions were "complete";
5. Auto-Reply Facsimile Transmission report from the USPTO dated January 14, 2004 at 9:56 a.m. indicating receipt of the transmission;

We advise that numerous telephone calls were made to Examiner Alexander, Supervisory Examiner Milton Cano and the U.S. Patent Office attempting to obtain a correct facsimile number. Mr. Cano stated by telephone on or about December 19, 2003 that we could fax the Petition to him and he would take the Petition to the Office of Petitions. We then encountered great difficulty faxing the documents as the telephone numbers that we had for the U.S. Patent Office were in the process of changing. We attempted to fax the documents several times on December 19, 2003 and December 22, 2003 without success. We were successful in faxing the documents to Examiner Reginald Alexander on January 14, 2004. Our Fax Transmission of January 14, 2004 included the following documents (enclosed above):

- (a) Two fax covers of January 14, 2004;
- (b) Fax cover of December 19, 2003;
- (c) Letter of December 22, 2003 to Supervisory Examiner Milton Cano; and
- (d) Petition dated December 19, 2003 and Exhibits.

We have not heard from the Office of Petitions. We are therefore re-sending the documents including the Petition.

Yours very truly,

A handwritten signature in black ink, appearing to read "Daryl W. Schnurr".

Daryl W. Schnurr
Reg. No. 28, 569
Agent for the Applicant

MILLER THOMSON LLP

Barristers & Solicitors, Patent & Trade Mark Agents

Fax Transmission Cover

700, 22 Frederick Street
P.O. Box 578
Kitchener, ON, Canada N2G 4A2
Tel: 519.579.3661 Ext. 326 (Direct)
Fax: 519.576-2030 (Direct)
www.millerthomson.com

DATE: December 19, 2003
TO: U.S. Commissioner of Patents, Milton Cano, Supervisory Examiner, Group Art Unit 1761
FAX NO.: ~~703-872-9476~~ 571-2737-1398 571-273-1398
SUBJECT: Witzel- 10/054,893 Our File 39452
FROM: Daryl W. Schnurr **DIRECT LINE:** 579-3661 ext 326
PAGES: 11 **(INCLUDING THIS PAGE)** **DIRECT FAX:** 519-576-2030

Please notify Bonnie at Ext. 317 immediately if all pages are not received

ORIGINAL WILL BE:

Placed on file Mailed to you Sent to you by courier

COMMENTS:

We are enclosing our Petition pursuant to Rule 1.181. We confirm that you have agreed to pass the Petition on to the Commissioner so that this application can be reinstated and the prosecution can proceed.

Toronto Vancouver Calgary Edmonton Markham Waterloo Region Whitehorse Washington, D.C.
Affiliations Worldwide

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MILLER THOMSON LLP

Barristers & Solicitors, Patent & Trade Mark Agents

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COMMENTS:

Further to our telephone conversation earlier today, attached please find the Reply to the Office Action dated March 13, 2003, along with copies of our correspondence to you since we forwarded that Reply to you by fax on June 10, 2003. Could you please advise us of the status of the application once you have reviewed the attached documents. Thank you for your assistance. *Re: 15144*

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DATE: January 14, 2004
TO: U.S. Commissioner of Patents
Reginald Alexander, Examiner, Group Art Unit 1761
FAX NO.: (703) 872-9306
SUBJECT: Application Serial # 10/054,893
FROM: Daryl W. Schnurr **DIRECT LINE:** 579-3661 ext 326
PAGES: 14 **(INCLUDING THIS PAGE) DIRECT FAX:** 519-576-2030

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COMMENTS:

Further to our letter of December 22, 2003, a copy of which is attached, we have now received your fax number from Examiner Alexander and are therefore forwarding this to you by fax.

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DATE: January 14, 2004
TO: Reginald Alexander, Examiner, Group Art Unit 1761
FAX NO.: (571) 273-1395
SUBJECT: Application Serial # 10/054,893
FROM: Daryl W. Schnurr **DIRECT LINE:** 578-5661 ext 326
PAGES: 14 **(INCLUDING THIS PAGE)** **DIRECT FAX:** 519-578-2030
Please notify Bonnie at Ext. 317 immediately if all pages are not received

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COMMENTS:

Further to our telephone conversation earlier today, attached please find the Reply to the Office Action dated March 13, 2003, along with copies of our correspondence to you since we forwarded that Reply to you by fax on June 10, 2003. Could you please advise us of the status of the application once you have reviewed the attached documents. Thank you for your assistance. *Barrie P. Miller*

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TRANSMISSION REPORT

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(REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)**

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TOTAL PAGES CONFIRMED : 14

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No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
1	USPTO	1-14- 4 9:45AM	3'15"	14/ 14	EC	COMPLETED 14400

TOTAL 0:03'15" 14

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
 PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
 MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

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1	USPTO	1-14- 4 9:49AM	3'18"	14/ 14	EC	COMPLETED 14400

TOTAL 0:03'18" 14

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Jan 14- 10:13
Bonnie R

Auto-Reply Facsimile Transmission



TO: Fax Sender at 5197432540

Fax Information

Date Received: 1/14/2004 9:53:00 AM [Eastern Standard Time]
Total Pages: 14 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

SENT BY: 1-14- 4 : 9:50AM : MILLER THOMSON LLP~	USPTO #: 1/14
MILLER THOMSON LLP Barristers & Solicitors, Patent & Trade Mark Agents	
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700, 22 Frederick Street P.O. Box 578 Kitchener, ON, Canada N2G 4A2 Tel: 519.579.3661 Ext. 329 (Direct) Fax: 519.579.2030 (Direct) www.millertomson.com	
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PAGE 141 FAXD AT 10:13:04 AM (Eastern Standard Time) SV2013070-5F05-10 01153729365 CSD513742549 DURATION (min:sec) 0:27	